

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

DEREK MATTHEW ORME,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0049

HUNTINGTON POLICE DEPARTMENT;  
CABELL COUNTY CIRCUIT COURT;  
CITY OF HUNTINGTON, WEST VIRGINIA; and  
PAUL HUNTER,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that Plaintiff's Complaint (ECF No. 2) be dismissed; the Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1) be denied as moot; and this civil action be removed from the Court's docket. No objections to the Magistrate Judge's findings and recommendations have been filed. The Court notes that Plaintiff filed an Amended Complaint (ECF No. 5) and an Application to Proceed Without Prepayment of Fees and Costs (ECF No. 6) after the Proposed Findings of Fact and Recommendations was filed. The Court **FINDS** that the Amended Complaint asserts the same claims as the original Complaint and therefore does not require additional findings by the Magistrate Judge.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Plaintiff's Complaint (ECF No. 2) and Amended Complaint (ECF No. 5) be **DISMISSED**; that the Application to Proceed Without Prepayment of Fees and Costs (ECF Nos. 1 and 6) be **DENIED as moot**; and that this civil action be **REMOVED** from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 17, 2022

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE